

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COUNTRY HOME LOANS, INC.,)	
a/k/a BANK OF AMERICA, IP SERVICE OR)	
JUST (“B OF A”) and MARK J. UDREN)	
LAW OFFICE DEBT COLLECTION)	
SERVICE,)	Civil Action No. 12-1397
)	Judge Nora Barry Fischer
Plaintiff,)	
)	
v.)	
)	
JASON HARRY HILL, Contracting Officer,)	
and SHIRLEY ANN HILL, Contracting)	
Officer, for the United States of America,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 28th day of September, 2012, upon consideration of Pro Se Defendant Jason Harry Hill’s Application to Proceed In District Court Without Prepaying Fees or Costs (Docket No. [1]), and attachments, including his: “Motion to Dismiss Case in It’s Entirety Because (“B of A”) has No Standing for Summary Judgment and Clouded Title, Under FRCP Rule 7(5)(B)”; Brief in Support; Exhibit A; Exhibit B; 2nd Exhibit B; Exhibit C; Exhibit D (1 of 2); Motion for Restitution, Relief and Damages, etc.; Proposed Order re Motion for Restitution, Relief and Damages, etc.; Memorandum of Law and Brief in Support of Notice of Rescission, etc.; Exhibit D (2 of 2); Untitled Exhibit; Untitled Exhibit; Proposed Order Granting Summary Judgment, etc.,

IT IS HEREBY ORDERED that Pro Se Defendant Jason Harry Hill’s Application to Proceed In District Court Without Prepaying Fees or Costs [1] is GRANTED as to the IFP Status ONLY.

IT IS FURTHER ORDERED that pursuant to 28 U.S.C. § 1447(c) this case is hereby REMANDED to the Court of Common Pleas, Westmoreland County and that such removal shall be effectuated forthwith.

In so holding, the Court notes that the purported removal of “State Court Case No. 01551 of 2010” from the Court of Common Pleas, Westmoreland County, is procedurally improper under 28 U.S.C. § 1446(a) as Defendant has not filed a “notice of removal ... containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon” him in the purported state action. Instead, Defendant has filed a series of motions, affidavits and proposed orders which are presumably directed to this Court which is misnamed throughout his submissions as the United States District Court of Southwestern Pennsylvania.

Based on the submissions that have been provided, this Court lacks removal jurisdiction over this state law foreclosure action because Defendant admits that while he is a resident of another state, Arizona, his ex-wife Shirley Ann Hill still lives in the property subject to foreclosure in Latrobe, Pennsylvania and is therefore a citizen of Pennsylvania. *See* 28 U.S.C. § 1446(b)(2) (“A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”).

The removal is further deficient in that it does not indicate that it has been initiated within 30 days of Defendants’ receipt of “the initial pleading setting forth the claim for relief upon which the action is based,” 28 U.S.C. § 1446(b)(1), given that the foreclosure case appears to have been initiated in 2010 and this Court’s review of the publicly available state court docket suggests that proof of service of the Complaint on Defendant Jason Harry Hill was filed with the

Court of Common Pleas on May 21, 2010. Further, there is no suggestion in Defendant Jason Harry Hill's numerous submissions that the other named Defendant in this action, Shirley Ann Hill, has consented to the removal of the case as is required under 28 U.S.C. § 1446(b)(2)(A).

In addition, to the extent that Defendant Jason Harry Hill is attempting to remove this action as legal representative of Shirley Ann Hill, he is not a licensed attorney and thus lacks standing as a *pro se* litigant to defend a case on behalf of another individual in federal court. *See e.g. Schneller v. Crozer Chester Medical Ctr.*, 276 F. App'x 169, 170 n.1 (3d Cir. 2008); *Osei-Afriyie v. Medical Coll. of Pa.*, 937 F.2d 876, 882-83 (3d Cir. 1991); 28 U.S.C. § 1654.

For all of these reasons, this matter is hereby REMANDED to the Court of Common Pleas, Westmoreland County, forthwith.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Jason Harry Hill
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(Regular & Certified Mail)

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